

TEXT_LittleCrow_ISH2_Session1_29062021

Tue, 6/29 3:02PM • 1:25:18

00:02

Well, good afternoon, everybody. It's now half past one. And

00:09

this issue specific hearing in relation to the application made by IMG, our solar, little crow limited for the proposed little crow solar Park is now open.

00:25

Mrs. Helen, can you please confirm the live streaming for this hearing has commenced?

00:31

Yes, the live streaming and so on. And I can hear and see you fine.

00:36

Thank you. I'll just do one test. Mr. Law. Can you hear and see me?

00:45

Yes, you come in through loud and clear. Thank you. Okay. Actually, I want to just check with Mr. Male as well. Can you

00:54

hear and see me and as far as you know, can your team also hear and see me?

00:59

When I certainly can. So I shall assume everybody else can.

01:06

If there's an issue, not being able to hear and see me, then no doubt, people will indicate.

01:16

I'd ask that mobile phones be turned off or at least switched to silent just to reduce possible disturbance.

01:30

My name is Graham Gould. I'm a chartered town planner, employed by the planning Inspectorate. And I've been appointed by the Secretary of State to examine the submitted nationally significant infrastructure project application. And I constitute the examining authority for this application.

01:47

For anyone who is watching the live stream

01:52

of this hearing,

01:54

I can also advise that should we at any point adjourn this meeting this afternoon?

02:01

We will have to stop the live stream and then we commence the live stream at the resumption of the hearing as a result of that. Anyone rejoining?

02:12

What, sorry, following the live stream as the hearing resumes, you will need to refresh your browser

02:21

so that you will pick up the continuation of the live stream. I will endeavour to

02:29

remind everybody that of that.

02:33

As in when

02:35

we

02:37

almost certainly take a mid afternoon break.

02:42

Sorry, I'm still good. Can I just we've got a grim George waiting in the lobby who's part of Aurora developments. Can I just admit them in? Yep. Thank you.

02:59

microphone off slash be fine. Thank you.

03:05

In the arrangements conference, which preceded the start of this hearing, you will, you will have already spoken to Mrs. Hanlon, who is the case manager for today. This afternoon, she supported by to make a hole from the case team at the planning Inspectorate. I would also add the other colleagues from the planning Inspectorate may be joining this issue specific hearing. as observers in connection

with the inspector its commitment to internal continuing professional development. In addition, a technician from a company known as production 70, is in attendance solely for the purposes of managing, recording and live streaming for this hearing.

03:49

Before we get in, to the main items on the agenda items from items three onwards, there are a few sort of procedurally type matters I need to deal with which spread across agenda items one and two.

04:08

So I'll now

04:10

run through those. I was going to give a bit of an introduction about the general data protection regulations as as we can be required to do. Is there anybody in attendance this afternoon, and who will be speaking this afternoon that is unfamiliar from those

04:29

or isn't familiar with those regulations, given? What I would have said at the preliminary meeting, what I said issue specific hearing to what I said this morning at the open floor hearing.

04:44

So can I just check if I suspect this applies mainly to the applicants team.

04:50

Is there anybody here that hasn't, in effect had the introduction to those regulations? If they

05:00

If there isn't anybody then I will run through again.

05:08

So there are certainly people here who haven't appeared on behalf of the applicant before but I'm quite happy for you to take those as read.

05:18

The main watchword is presuming everybody partaking this afternoon the applicant's behalf is prepared to be recorded. Because whether this is a virtual event or whether this is an input, that is what would happen. And the other general watchword is just to be careful about personal information, which I don't think will arise anyway. Because your team this afternoon is giving professional evidence in effect, and won't be referring a suspect

05:46

to individual property or other interests that may be of a more personal nature.

05:56

That helps, Mr. Mayor, thank you.

06:04

The only official record of this hearing will be that that is published by the Inspectorate

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and that will be

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published as quickly as possible.

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So in that regard, anything like tweets, blogs or other similar communications arising from this hearing will not be accepted as evidence in the examination.

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a transcript of the recording of the hearing will also be published, but only as a secondary record. And I should note that the software that generates these transcripts does not produce an entirely accurate record. For example, there seem to be some issues with names and technical terms,

06:51

which the software doesn't recognise. Mr. Male, for instance, I know that I think having had a quick look at some of the transcripts previously, he doesn't pick your name up particularly well. Nobody should take offence at that. I think it's just that that sort of technology is still advancing.

07:13

For the purposes of identification, and for ease of reference, particularly for people who may be following the live stream or looking at recordings at a later date. Each time you speak. Could you give your name, and if you're representing

07:30

an organisation, please indicate who you're representing.

07:35

And on each occasion, would you please ensure that you have your microphones switched on? When we get into the main body of the discussion this afternoon, I would ask if at all possible that Mr. Male, if you could keep your camera on.

07:55

But of course, if you're not speaking, keep your mic off. And similarly, Mr. Law, if if you could keep your camera on, it just helps me

08:06

be aware that

08:08

those leading

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cases, either for the applicant or in this case, the counsel will be at the cosmic law. As far as I understand, you're appearing by yourself. At least I know that the

08:24

the lead is still on the line, it just makes it easier to follow if your cameras are on.

08:32

However, if that presents a bandwidth type problem and your connection starts to go down, then you may well need to switch your camera off

08:43

to keep you in the event rather than you possibly dropping out. Because we've over stretched the bandwidth.

08:53

And just turning really to the purpose of this hearing, I've decided to hold issue specific hearing to ensure that interested parties have the opportunity opportunity to to make all representations should they wish to do so on matters relating to the cement submitted environmental statement matters or planning policy and some aspects of the draft developed consent order.

09:18

Throughout the course of this hearing certain issues may reoccur as I examine them from slightly different perspectives or in relation to different elements of the scheme. I therefore ask you bear with me in this regard.

09:34

When you're giving your evidence,

09:37

and I would also ask that you focus on answering the question that I've asked at that particular time and trying to avoid anticipating what might be a subsequent question, because you might guess correctly that the question is going to follow on directly in this part of the agenda or it might be coming as a bit further down the line.

10:08

I would also remind everybody that the examination is a predominantly written process. As you will have seen from the examination timetable, there are schedule around the written questions to which have already been used

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with the second round of questions to be answered no later than July the seventh.

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And there will be further opportunities

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potentially, for me to ask further written questions, and if I consider necessary for further issue specific hearings to be held in September, that really depends upon

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the discussion that we have today. And the answers that I received in respect to the secondary written second written questions

11:04

and how any third written questions may be responded to, in terms of whether or not we need those September hearings.

11:14

I would also say and some of you may have spotted from

11:19

the way I've composed the agenda for this afternoon, there are some areas of overlap with second written questions.

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That is intentional, because the way I asked him the questions is after may assist in the way that you respond to second written questions next week

11:58

as we discuss certain matters.

12:03

And

12:05

if you need to refer to an examination document, I'd ask that you do so

12:12

by using the Pentagon spectrums, examination Library Reference.

12:20

And can I also ask that the first time an abbreviation or acronym is used, that you give it full title? And so it's just easy

12:30

to understand where that's coming from? And when it's used on subsequent occasions? One, I'm talking about documents. Is there somebody from the applicant team who will be able to display material on screen if we need to go to electronic versions?

12:52

Yes, sir. There is. Mr. Scanlon will, will do that for us. Thank you.

12:58

Mrs. Hanlon. Have you given Mr. Scanlon permission to share screens as necessary? Or can you interact with them, please? Yeah, I'll double check with them offline.

13:19

The hearing will be a structured discussion in which I will lead based on the agenda that has already been published.

13:29

The purpose of today is to enable you to answer any questions that I have

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to ensure that I have the information that I need in order to make

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my recommendation to the secret state. Once the examination has closed.

13:47

I would remind everyone that this is not a planning inquiry, and therefore unless I agree to it, there will be no formal presentation of cases or cross examination.

14:01

As such, any questions that you may have for other parties need to be asked through myself.

14:08

I suspect that won't be an issue given the way that issue specific hearing one

14:13

went. When we held that back in April.

14:19

The hearing is being held in accordance with section 94 of the Planning Act 2008.

14:26

And the infrastructure planning examination procedure rules 2010. Most specifically, rule 14 which relates to the procedure in hearings.

14:38

Again, I give the general

14:41

reminder under Section 98. Four

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of the Act, which allows the examining authority to refuse to allow representations to be made at a hearing

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which it considers are

14:58

irrelevant, vexatious.

15:00

All Federalists

15:02

relate to the merits of policies set out in national policy statements

15:09

or repeat other representations already made.

15:23

I'm now going to just briefly run through

15:29

the agenda items three, four, and five. Because under Rule 14, two,

15:35

I'm required to start the hero hearing by identifying the matters that are going to be considered or that I expect to be considered.

15:45

So under agenda item three, which has a sort of very loose heading revolving around the environment statement that's been submitted,

15:56

there will be a section where we look at

15:59

solar energy generation technology.

16:05

And then there will be some consideration of the proposed battery electric electricity storage system as associated development.

16:18

I want to look very briefly at how the outcome is intending to answer one of these secondary written questions that secondary read the second written question 2.1, point five.

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And

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then

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on the list,

16:45

consideration of implications for

16:48

lapwing as an assemblage qualification species, for the honeybee history special protection area.

16:56

And then I'd like to look at the outcomes proposals for sheep grazing,

17:03

then a very specific issue in relation to cumulative and in combination effects.

17:12

And that arises following the acceptance of a nationally significant infrastructure application for what's proposed.

17:24

being proposed as the could be three low carbon gas power station project, the acceptance of that application having been yesterday is the 28th of June 2021.

17:39

When we get to that item, in the agenda, I'll explain a little more

17:45

about what I think might need to be done in that regard.

17:50

And, and then under this section, agenda item three, there is a new item I'd like to add, but only has one question

18:01

written relating to it. And that's in respect of some of the economic effects for the proposed development.

18:09

Then on agenda item four, which is the consideration of planning policy,

18:16

I'd like to have a look at relevant national policy and then read relevant development plan policies and allied to development plan policies any locally adopted supplementary planning documents and or guidance.

18:37

And then under agenda item five, which looks at the draft consent order,

18:47

just a quick look at possible inconsistencies between

18:53

the latest version of the draft and consent order which is submitted at deadline three and the explanatory memorandum.

19:06

Then also take a look at generating capacity

19:11

with any made what how many, sorry, how the definition of generating capacity might be dealt with it in any way different content, different consent order.

19:22

And then, just a general look at various articles and requirements contained within the draft order, but in particular, mechanisms for security, securing archaeological works

19:37

and the provisions contained within article 18 which is the requirements and appeals article. And part two of schedule two of the draft order which relates to the procedure for discharge, the discharge of requirements

19:56

and then any other general drafting matters that you

20:00

Either the applicant or the counsel might wish to draw to my attention for discussion.

20:09

As I said, issues specific hearing one,

20:13

the discussion of the draft of and consent order in particular, should not be taken as an indication that I've already reached a view about what my recommendation to the Secretary of State will be.

20:27

The agenda is for guidance only. And I may add other issues consideration as we progress,

20:37

depending on how answers to questions are going, and I may also vary the running order

20:45

of the discussion to aid

20:49

progress.

20:51

And actually, before we get to agenda item three, I am going to quickly ask

20:57

the applicant about whether you have any views about wanting to move certain items in the agenda to free

21:09

any of the consultancy team?

21:19

Not sure if that that was your request, but not not not? Yeah, I'll come to that in a minute.

21:25

If I just carry on with the housekeeping matters,

21:33

I will seek to allocate sufficient time for each issue to be considered. We will take a short break at a convenient point. Generally for virtual hearings, we try to avoid sitting longer than an hour and a half.

21:54

So we may well adjourn around three o'clock, but really rather depends where we might be in terms of a run of questions. And

22:05

it might be that will

22:08

run a little bit longer just to

22:11

Iran, end a run of questions. But if anybody needs a break for a specific

22:19

medical type reason, and then please indicate and we'll try to accommodate that.

22:27

Should the consideration of issues take longer than I've anticipated? And it may be that I will prioritise certain matters and defer others to written questions.

22:40

And on that, in that regard, it may be that certain matters where there are already related second written questions. I might just indicate that an item on the agenda

22:53

will just be covered by the relevant written question.

22:58

And, finally, it's important that I receive the right answers to the questions I'm going to ask.

23:05

As I've mentioned previously, this is a predominantly written process. Therefore, if someone can't answer a question that's been put to them, or a quiet time to get the information necessary.

23:22

So the a fuller answer or a put or

23:29

incorrect answers are avoided, then then please indicate to me that you prefer to go

23:37

down the route of responding in writing.

23:41

And we can unquenchable do for that matter in that way.

23:46

Apologies. Something's just knocked at my door. Can I just take a minute to see who it is? Bear with me.

24:37

Apologies for that. That was something that was due to be arriving on Thursday. I suppose I shouldn't complain about good customer service, but somewhat some unexpected.

24:49

Yes, I will. I was indicating that if

24:54

someone is finding it difficult to answer a question on the spot.

24:59

Then please indicate

25:00

And that's something that we can deal with with or have dealt with in writing

25:07

by submitting something to examination deadline for which will be the seventh of July 2021.

25:25

Right before I go on to

25:30

receive details of who's going to be participating this afternoon. Does anybody have any procedural type questions

25:41

to raise either as a that the general procedure of the hearing and or the structure of the agenda?

25:49

Mr. Male? Yes, thank you, Sir Paul, male, for the applicant, there were just a couple of points, one of which I think has probably been communicated to you, hopefully by the case officer, which is that it would assist if we could deal with item three d, which I think you refer to as a fairly short item about the applicants approach to replying to second written question 2.1 point five as the first agenda item as that can then release Mr. To the ridge, who's joining for that particular question. Yeah, but that's fine.

26:30

I was also going suggest

26:34

that with respect to Mr. Tim's who I believe will be dealing with sort of biovault biodiversity type matters.

26:43

Yes, that's correct services Simson ecologist, that it as I've only really got one question. In that regard, that we also take item three E, and possibly item three G, which is the cumulative effects point, also out of turn,

27:04

so that he potentially does not have to stay in the hearing, unless, of course he wishes to.

27:12

But if it would assist, we can take those items out of turn, and he can then be released as well.

27:20

That that will be acceptable. So I mysims was also attending, for the purposes of considering item three f related to sheep grazing as well, obviously, I don't know what the angle of your questions are there. But if there was a biodiversity, ecological element to that, then Mr. Tim's would would need to be on hand to answer that. Yeah, I mean, might well then be that we'll deal with the DEA first,

27:45

when in fact, we'll we'll what we're going to do is we're going to do deal with the bottom half of that agenda item. And then we'll come back to I suspect, the more technical stuff, which other members of the team, possibly Mr. Harlow,

28:01

we'll be dealing with.

28:06

So that was that was my specific request in relation to item three d. And the other one is just a bit of a housekeeping point. So because i think i think there's a sort of a gremlin in the in the pins template, and I noticed it was picked up when you did your introduction

28:22

to to this particular hearing, in that the applicant, the applicants name is INRG, not i n gr. And it's been it's been raised a couple of times in in responses. And obviously, it's a template document, I suspect, which is produced for these for these occasions. But it will be helpful if that could be a yes.

28:49

for it, find yourself into something more potentially consequential.

29:02

Otherwise, so that was it from me. I'm quite happy to let you know who else from the team is present this afternoon and who you may hear from at this juncture, or else leave it until you've maybe heard from Mr. Law?

29:19

Um,

29:20

well, I think the way we did it last time was that you brought the relevant

29:26

member of the team in at the time, having heard whatever the question was, yeah, you did the division of labour. So I think that's that's, that's fine. I mean, I'm suspecting from the range of issues that maybe Mr. Harlow, as I said a minute ago is probably going to be dealing with the front end of three a sorry, agenda item three.

29:51

Mr. Roberts, possibly we'll deal with some of the policy matters in in for data. I'm guessing

30:00

And that you will deal with most of the

30:04

drafting the different consent order type matters will be you may well call on some of your other legal colleagues to pick up bits and pieces. Yeah, that's absolutely correct. So yeah, who's done what?

30:17

Thank you very much, Mr. Male.

30:21

And turning to the council, again, it's a bit presumptuous, but I presume, Mr. Law, you're taking the lead all of that for the council again?

30:32

Yes, yes, I will be taking the lead. And I've got no procedural matters to raise at this point. Thank you.

30:39

Okay. Other than because we change or we are intending to change the running order a bit within agenda item three. Is there anybody else that has a particular time pressure this afternoon?

30:54

At this stage, I'm not quite sure how

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the progress will be, again, going through various items.

31:03

Really, what I'm thinking about is if it looks like we might cover most things today,

31:11

whether we pushed on a little bit longer this afternoon into the early evening, whether that would then mean we didn't have to sit tomorrow.

31:18

But is there anybody that has got particular time pressures, which would mean that we couldn't go, say beyond 530? If we're heading in that sort of direction?

31:31

Mr. Royce, you're on screen? Is there anything from your perspective committee that you got to attend or anything like that? No, sir. No. If we did have to run a little bit later, and if that would avoid a second day of sitting, then that's, that's fine with me.

31:45

Mr. Male from you or your team's perspective? Are there any availability issues, in terms of if we may need to run a bit later today just to get the job done? so to speak? Not that I'm aware of, sir.

31:59

Thank you.

32:02

But as I say, at this stage, it's difficult to know

32:06

just how things are will run.

32:10

Because I have to say some of my questions I put down in paper look quite lengthy, but the actual answers some of the just yes, no, but it takes a bit of time to actually get to the Yes, no.

32:21

Or what needs to happen next sort of thing.

32:34

Okay, well, then, that then neatly takes us to the beginning of agenda item three.

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And starting with

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byton, three d, which

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really revolves around

33:01

second written question 2.1 point five, which was

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a request for the applicant to look at the gross land area for each of the proposed work numbers.

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one to seven.

33:22

Show that graphically, and then go on to explain how that's been calculated. And this all comes back to a

33:32

question I raised in the first issue specific hearing about

33:41

whether or not the array area in particular

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on the works details plan.

33:52

aidable p 015.

33:56

looked right. Given that the original number of solar panels or the area for sonar, I think was given 800,000 square metres, but we've got a site of 225 hectares.

34:12

And as I as I understand it last week, there was a bit of contact from

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Pegasus to the case team really to ask

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whether or not a DWT type format drawing could be submitted. I think just to try and help show how

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the layers build up for the development and where the areas are obtained from that link could go into a works calculation.

34:49

I think the query came because there may be issues about whether or not the Inspectorate can handle

34:57

the wg drawings and

35:00

Also whether or not having received and then tried to put out via the website, whether there might be issues.

35:08

So I think really if somebody from the applicant can explain how you're intending to answer question 2.1, point five and name it, maybe I can give some assistance on how I thought you might be responded to in terms of what I'm actually looking for.

35:27

Certainly so I mean, in broad terms, what the applicant was intending to do was to submit a CAD file

35:37

in response to this question.

35:40

And what I'll get

35:44

one of my team, Mr. To the rich to do in a minute is to share his screen to demonstrate how in CAD, he's able to calculate the areas for the various work numbers, because obviously, you can't do that in a written submission. So I thought it might be helpful to you to demonstrate how those areas that we would intend to submit have been calculated using that particular programme. And then if you have any questions arising as a result of that, then obviously we can we can prepare to deal with them.

36:24

Is that is that an acceptable way of proceeding? Because you've you've anticipated the way I thought

36:33

this particular gender question might be dealt with? It shows what what you're thinking of? And, yeah, that should assist. So so I'll introduce Mr. tillery, and ask him if he could turn on turn on his camera and

36:51

Miss. Miss Helen has missed to the rich got permission to share his screen?

36:59

Yeah, everyone's got present. Right. So it shouldn't be an issue from our side. Good. Thank you.

37:05

Okay, Mr. Taylor. Sara is an architectural designer at Pegasus. So he's,

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let's just say he's better with CAD and these sorts of things than I am.

37:18

afternoon. Good afternoon. I would say that in a previous life, I have seen architects using

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CAD and

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changing things on drawing almost in real time. So

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I've got some familiarity. But yeah, please proceed.

37:40

I'll just share my screen with anyone could have been nervous doesn't show up for a start. But that's looking good to start with. Yep.

37:50

Okay, so first of all, we just like to go through the principles of how this CAD programme works in terms of areas. So we're using vectorworks, at the moment we use across the company. And for a basic sort of look at it, if I draw a polygon and join up the dots.

38:11

Here, you'll see that in this object Info panel to the left, it comes up with the area of 1.8 to seven hectares.

38:20

If I was to draw, draw a

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polygon that didn't join up at all,

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it wouldn't show up with an area because it's not a closed polygon. So we just closed that, and then it shows us the area that provides Yeah, so we've taken that principle and use that across the drawing when

38:42

some reason my programme doesn't like.

38:47

Okay, so

38:49

we've drawn up all the works numbers and labelled them. So first of all, we've worked number one, what I'm going to do is select everything with a magic wand, if you will, I'll select everything that is the same colour. So then it will highlight everything that we need to that works. Number one.

39:09

We have 153 point 943 hectares, if I just group these, so they all go together. See, it's all highlighted here. All the different areas. Would you like me to just go through and just show you that they're all closed off polygon? So

39:27

that's fine. I think you said all of that light green is what is 153 hectares or thereabouts? Is that correct? Yeah.

39:38

That's correct.

39:47

Because that

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allowing for the fact of course, that within that

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you've got the solar array and then the trash.

40:00

Between each of the

40:03

arrays or the racked panels.

40:07

And I mean, I get a very, very rough calculation just using a what I thought was a typical

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Hector.

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And I was getting something like

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three quarters of a hectare of glass to nearly a quarter of track.

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But I'm not sure that works with

40:41

your 153 Hectors that just come out.

40:47

Having shown all of works, one highlighted.

40:54

Okay, in terms of the site layout with the solar panels, unfortunately, I'm not able to answer that as it's not something I've been involved with. I'm merely here to do the work plan and show the areas. So in terms of the site layout that may be best placed with someone else and consultants in the applicant team. Yeah, I think

41:15

you smile. Yeah, sorry. So I think that, obviously, your your effectively your question 2.1. point five is in two parts.

41:25

As it was I see it. Firstly, there's the areas for each work number that's shown on the works plan. And then I think you've asked for the, the land area that's occupied by the PV modules themselves. And

41:45

there is another drawing and process that we're not going to demonstrate here, which we can provide you within answering the second part of that question. Yeah. Because it isn't. And simply I say that because that isn't

42:02

a drawing and a calculation that's reliant on CAD. So CAD enables us to calculate the entire area of particular work numbers and elements. And then we've got another calculation and illustration that will provide you with, which demonstrates the coverage of the panels. Yeah, I think what Mr. Tillery, has helpfully demonstrated is that the, the area occupied by what one

42:31

looks right, in terms of given that we got 245 Hectar's for the whole site.

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And this is around 153. Then, if we were to look

42:51

at works, three, which I think that's the the weight of birds zone, that's been calculated at 23, Hectar's

43:08

it all starts to come together, at least in areas, I think the issue might be in respect of

43:17

the glazed area calculation.

43:20

So I'm beginning to feel certainly more comfortable that the work plan has probably got the right areas.

43:27

And I actually think possibly the simplest work given that having had the demonstration, the simplest way possibly to deal with what Mr. tetherin has been dealing with, is maybe rather than trying to do a sequence, or a CAD drawing, which might,

43:46

for want of a better way to try and blow the IT system, is if you were to do a suite of drawings, one to seven, one showing work one, two, showing work to any area that's been attributed and deal with it that way.

44:02

Just as

44:04

a fixed drawing rather than having to rely about layers. As I said earlier, I understand how the areas are calculated and the demonstration that you've given, I think gives me the comfort

44:17

that certainly the areas that you're working to are fine.

44:21

Mr. Law.

44:25

From what you've seen of the demonstration, are you reasonably comfortable with the land areas

44:32

that the applicant has been quoting or will be quoting looked like they're going to come together in a meaningful way? Because I think you share the same view that I did issue specific hearing that certainly the glazed area just didn't sound right. When you look at that the total area for the site.

44:51

Oh, yes. Thank you. Andrew law for Northamptonshire Council. Um, yeah. So then that's been helpful demonstration. I think. I agree in the

45:00

The actual land area and the works fund, it seems to make sense. And I think that the

45:05

question more related to then the glazed areas,

45:10

and whether whether that kind of stacks up. So hopefully that will be answered through the written questions.

45:17

Yeah, so Mr. featheredge, would what I've just suggested maybe an appropriate way forward that you, in effect, just submit a suite of drawings, each each one representative representing an effect?

45:32

The area for works one to seven?

45:36

Yes, definitely. That's, that's fine. Me to provide and draft up.

45:41

I said, I think that's likely not to cause

45:46

any sort of it type problems

45:49

in terms of either I, or

45:54

the spectra not being able to open anything, and then we have to go away and get our IQ colleagues to try and find a software package that will enable us to get access. And if I'm struggling, or the Inspectorate struggling, it might mean that anybody

46:08

from

46:09

outside of the applicants team,

46:13

I meant to the public trying to view the documentation might also struggle. And because what we don't know is that when this gets to the Secretary of State, whether he and his team would similarly be able to open the documentation. So like, yeah, I think

46:29

the demonstration has been helpful, I would suggest that the way forward.

46:36

And then whatever, sheet goes alongside it, that just shows how

46:41

areas x, y, and Zed might make up 255 hectares in total.

46:48

Yeah, that's fine by me, I can I can do that.

46:57

I think

47:00

that has therefore dealt with agenda item 3d.

47:06

And therefore on that basis, Mr. tether the tether edge. If you wish to go and do other things, then by all means, there is no need for you to remain

47:19

in the hearing.

47:21

So can I if you are going to leave. Can you just confirm that now so that

47:27

Mrs. Hanlon and Miss hole know that you're leaving and they're not going to go searching for you in terms of, oh, he's dropped out?

47:35

Yeah, I will be leaving now. Of course. That's good. Thank you

47:40

very much.

47:52

Right, then if we can turn to agenda item three, which is the implications for lapwing?

48:05

There is a second written question for natural England relating to this point.

48:13

But

48:15

turning to the applicant first, and I suspect

48:20

that's going to be Mr. Timmons, from who said earlier.

48:26

Can you and then I will ask

48:29

Mr. law for the council because no doubt you've got some experience with dealing with

48:35

assemblage qualification species. But

48:41

Mr. Timmons Good afternoon. Can you explain what relationship assemblage qualification species such as lapwing have,

48:51

in effect to the well being or the condition for the qualifying species within the Humber history, special protection area?

49:03

victims Clark's no one's deaf kids.

49:06

So that thing is not a qualifying feature of the SBA in its own right.

49:14

It's identified as part of the nonbreeding waterbirds emballage qualifying feature. So

49:22

a qualify feature of an SBA is where you have a waterbird assemblage of over 20,000 birds. And this case for the Humber estuary the

49:32

the water birds are in region of 1150 3000. birds and so lapwing, are one of these species which

49:45

contribute to that to those numbers.

49:52

But in terms of the the assemblies qualification speech, how does it really work? Is it that they in effect form part of a bigger

50:00

ecosystem

50:02

with

50:04

the actual qualifying species sitting at the top of that, and either the assemblage species are preyed upon by some of

50:16

the higher tier of that ecosystem? Or is it that the assemblage species for want of a better word, do some gardening or housekeeping within the special protection area so that they they create conditions that the qualifying flying species can thrive on?

50:35

No, I don't think they're related in that way. Right.

50:40

Certainly, none of the lapwing aren't particularly a prey or predator species or any other birds.

50:49

It's more that they.

50:52

So the qualifying species themselves are ones where the

50:57

the, in this case the Humber estuary supports over 1% of the British population.

51:04

So that's a that'd be a qualifying species in its own right.

51:08

But another qualifying feature, I'd say is where there's a large number of waterbird over over 20,000 waterbirds,

51:18

including lapwing and things like

51:21

that plovers. shelduck.

51:24

Jabberwocky is like that. And they don't really

51:28

I wouldn't say there's a huge amount of

51:33

other than just sharing the same habitats and sort of

51:37

conditions that the s3 provides. That's that's their relationship with the qualifying features.

51:46

The other the other waterbed species, if you see let me makes it so that it just there.

51:54

But they have no active role. And

51:59

don't.

52:03

I mean, it's just a slightly strange concept that because the citation refers to them,

52:11

but they've got no effect statutory status. Is that is that correct?

52:19

Yes, and no, I'd say

52:22

that, where

52:27

in terms of appropriate assessments for Habitat regulation assessments, I think you would need to consider an assemblage qualifying feature, where you, where you may have significant impacts on that,

52:46

on that species, which contribute to the qualifying feature,

52:49

which in this case, is the assemblage of birds.

52:57

So I have seen it, we are aware, you know, where there has been

53:02

a certain species, which forms part of the assemblage, which you which use

53:09

where appropriate testing has been undertaken because of

53:16

potential impacts on that species.

53:19

I mean, that's part of the reason why I asked this question at the hearing, and also natural England and being asked Apollo about their views, only because, of course, some left wing have been surveyed has been present on well within the order limits. And it's really a question of how I recommend to the Secretary of State, should he be minded?

53:47

To make the order, of course, before he can do that. What he needs to think about in terms of does he have to do an appropriate assessment or not?

54:01

Yeah, I think

54:03

one feeding into that is whether or not the inspector through myself will issue a release

54:10

for the applicant.

54:13

For that, the council to comment on

54:17

that it's a slightly odd situation, and it's really just trying to,

54:23

again, I suppose, make sure that

54:27

the legislation is adequately covered for all eventualities. Yes,

54:35

yes. I think the concept of functionally linked land is the most relevant, very relevant here.

54:43

Functionally linked land is the land that sits outside of the designated sites. In this case the umbrella relates to SBA, but which is still important for the

54:55

the aiklaud ecological functioning of a qualifying

55:04

There's no such thing as a predefined guidance on how you determine

55:10

if an area of land is functionally linked.

55:14

But I know one.

55:19

One sort of reasonable view to take is that

55:24

land that regularly is regularly used in the right season by over 1% of the population associated with associated with a designated site.

55:37

And I just, I can refer to our surveys we've undertaken which

55:44

we did for survey visits. So this is

55:49

for survey visits lap when we're caught, we're absent on to the visits.

55:56

And on another visit, we had 109, lapwing, and another visit 77.

56:05

So going back to that, I'd say that's not we can safely say that's not regularly used by lapwing Siemens, they are absent on on to the visits. And similarly, it's not used by over 1% of the population associated with the registry.

56:26

And so in that case, we we have taken the view that it belonged within the order limits doesn't represent functioning like land.

56:51

I'm going to ask Mr. Law,

56:54

because this is an issue that may be cropping up with other parts of his counsels area.

57:03

If it's been cropping up, and how the council tends to deal with it.

57:10

Thank you can assist with? Yes, hopefully. So, sir. Yeah, I mean, I have,

57:17

obviously some experience of dealing with this matter through through applications. And I've also taken the opportunity to discuss the matter with with our ecologist, obviously following the publishing of the, the agenda.

57:30

And he has, he has confirmed to me that

57:34

it is an issue that does crop up across North Lincolnshire. And I think one point that he made was if if you were to survey most of the fields in North Lincolnshire,

57:44

you would come across lapwing using them, you know, at certain times of the year. So I think that was one point that was made that, you know, it is a species that does use sort of open fields across across North Lincolnshire, and not necessarily in association with the with hombre history. We should obviously an important point.

58:05

And that was something that was sort of commented to me with regards to the the surveys undertaken in this regard was that

58:13

whilst there were numbers of lap point in recorded

58:18

on two occasions,

58:20

there isn't really that evidence to to suggest that they are associated with embroidery or or, indeed not. And so that was one point that was raised.

58:31

Our colleges did confirm that his advice at the pre application stage was

58:38

to scope out wading birds with respect to the Humber estuary. And that was

58:45

mainly based on this a relatively enclosed nature of the site and the distance from from the estuary.

58:54

And I do believe, but don't quote me on this that that was that advice was given in following discussion with natural England, but they may be able to confirm through through their written questions. And so the I suppose the long and the short of it was that that our our ecologist was relatively happy that there wasn't really evidence to suggest that

59:17

that the the lapwings that were recorded on site were directly sort of associated with the with the home registry and using local knowledge. He wasn't a surprising fact that that that they were found there as they are sort of prevalent across the field in North Lincolnshire.

59:46

Thank you, Mr. Law. Mr. Timms is anything that you want to add to what you've just heard from?

59:54

Mr. Law and or Mr. Male? Is there anything that you wish to add?

1:00:00

There's one point of clarification from me. So but I'll let Mr. Timmons go first. It goes is anything he wants to raise? I just

1:00:09

agree with what you just said about. It's very difficult to

1:00:16

sort the amount of interchange between

1:00:19

the inland

1:00:23

populations of lapwing and the population at coastal sites and harbour estuary is, is not known. And it's very difficult to determine that

1:00:34

lapwing are a

1:00:38

are farm numbered as well as a wetland bird, and this, especially in Lincolnshire, Northeastern England, they're very ubiquitous,

1:00:48

and yet found in lots of places away from coastal Australian sites.

1:01:11

Thank you, sir. Just a couple of points from me.

1:01:15

The first one is to draw your attention. And if you haven't already spotted it. So the applicants comments on the local impact report which

1:01:24

in response to Section 6.4 in the local in pack report,

1:01:31

it discusses this sort of uncertainty as to whether the lapwing that were identified through the survey effort were or were not part of the SPI assemblage, and confirms that the assessment approach that the applicant undertook assumed that they were from the SBA. So they adopted a precautionary approach

1:01:58

on that basis.

1:02:13

And then, if I may add a question of sort of clarification so as to how we might most helpfully assist you with the information that you're looking to gain here. And with regard to your questions and natural England. Are you looking

1:02:30

for a view from the applicant as to procedurally How should you treat

1:02:37

impacts or potential impacts on lapwing from a sort of HR re process points of view? So for example, should you consider impacts on lapwing per se? Or is the focus on the qualifying feature of the assemblage, the contribution that lapwing makes to it, and therefore potentially the contribution that any effect on lapwing that might have been identified through the survey efforts might have on that assemblage.

1:03:10

I think the latter, Yeah, fine. Well, I think I think what we'll do is we'll take we'll take that away. And we'll produce an answer in writing to you which which looks at that process and where the focus of assessment in our view should be. Yeah, I think it will be useful because as Mr. Timmons has indicated, there doesn't appear to be clear guidance. And that would presumably stem from Defra

1:03:38

just quite how you handled this particular issue.

1:03:43

It's really more a precautionary situation that

1:03:48

if the sacristy is in

1:03:51

a position of wishing to make the order there isn't something at the final hurdle that trips that process up

1:04:02

almost on a technicality that's a little bit difficult to deal with because there's no clear guidance on how you should deal with it.

1:04:12

So we'll put together some thoughts and we'll we'll put that in writing. Thank you.

1:04:44

Okay, if we can then look at if in Brighton three F which

1:04:52

revolves around sheep grazing.

1:04:58

Really, this

1:05:00

She's, I'm just seeking clarification. And again, there is a second written question that deals with this, which is 2.2 point four.

1:05:11

But in some of the submitted documentation, there seems to be some inconsistency as to whether or not sheep grazing would or would not occur.

1:05:24

And I just like some clarification on that.

1:05:33

I mean, is somebody in responding to 2.24, in effect vetting the documents that have been submitted today? and looking to see whether there is any inconsistency and then you're going to submit that

1:05:48

this is the approach versus that approach.

1:05:51

Yeah, I mean, I think if I could maybe deal with that issue quite Surely, certainly. So that that exercise can be undertaken to ensure that it is consistent

1:06:01

as as to whether the,

1:06:06

the site will definitely be grazed by sheep,

1:06:10

there cannot be a commitment from the applicant that that would obviously be the case, because, you know, the applicant is not in possession of a flock of sheep that it could use for that for that particular purpose. So, there are there are a number of

1:06:26

different considerations, which ultimately determine whether

1:06:33

the site is is grazed is graced by sheep. And the primary function of grazing is effectively for the maintenance of, of the site to achieve the outcomes of, of the lamp. So the way that that's most effectively envisaged being achieved, is through grazing.

1:06:57

And obviously, that needs to be subject to

1:07:02

a grazing plan, which is dependent upon a large a large number of factors, which, if you're interested in those, I'm sure Mr. Tim's can can can can help you with but that that is that is the basic approach, if the site cannot be grazed,

1:07:22

for one reason or another, then the outcomes would need to be achieved effectively, by active management through another means, ie sort of man maintenance, as it were, which is obviously a lot more of

1:07:41

an intensive process, if I if I could put it like that. But But there is a reasonable expectation that the site would be grazed largely because I understand that the

1:07:57

the estate on which the site is located, does operate

1:08:04

sheep grazing and has has has a flock so it's not it there is there is some some rationale behind the proposal, if I can put it in that way, sir.

1:08:34

Mr. Tim's

1:08:37

if

1:08:39

grazing did not arise, what sort of implications might that have for the implement implementation of

1:08:48

the landscape and ecological management plan?

1:08:54

So there are

1:08:56

in the management plan, there are certain compartments of the sites where

1:09:03

specific particular ecological outcomes that we're trying to achieve, for instance, for finding suitable habitat for ground nesting birds,

1:09:15

finding some areas which are of higher,

1:09:19

higher higher diversity of flowers.

1:09:23

And if she weren't used, you can still achieve those outcomes using a other other maintenance tools. Currently, that would involve cutting lowing of grass

1:09:39

to achieve this structure that you that you were looking for.

1:09:45

And that is, that is done on a number of other solar sites that we know of where she bought, used.

1:10:00

Thank you.

1:10:09

I did have a question about requirement 10. And which which deals with the lamp?

1:10:20

And of course it there is a reference to grazing

1:10:27

within requirement 10. So that's

1:10:31

rep 3003

1:10:35

subparagraph, two C and three. do mention grading the reader. The question is, and this was for the applicant and the counsel, would that wording

1:10:50

ensure grazing

1:10:54

would be secured?

1:10:57

Well, I think the answer to that that Mr. Male

1:11:01

has, in essence given is not quite,

1:11:07

because the applicant doesn't have a flock of sheep.

1:11:11

But you've used the reasonable expectation phrase,

1:11:16

and it's sounding like grazing would be an easier and less labour intensive way of trying to manage

1:11:25

a size of this scale.

1:11:29

I suppose really turning to Mr. Law, do you think requirement 10 has enough teeth behind it

1:11:39

to secure grazing?

1:11:42

Thank you, sir. yondu law for Northamptonshire? counsel. I think Mr. Mr. Mayer has already sort of set out the the reasons why it's impossible to guarantee that grazing would be undertaken. And I don't see how to use your sort of phrase are more teeth could be added?

1:12:05

You know, to to that requirements. I think the comments that the local authority have raised with regards to

1:12:13

grazing on the solar solar projects is just through sort of local knowledge and previous schemes that we've dealt with where grazing was put forward as the sole sort of means of maintenance on the site. And in reality, it's never been undertaken. And I think we do realise that this site is different in terms of both its area. And I think its ability to sustain a flock of sheep. And also, as Mr. Male is sort of explained, the landowner and their experience and

1:12:48

current use of flocks of sheep for grazing their land.

1:12:52

I think the the point for the local authority was more along the lines of if if it weren't possible to use grazing as the means of maintenance that now there should be a backup plan in place, basically.

1:13:07

And that was that was the point that we were we were trying to raise really.

1:13:18

I think if I could respond, just took a couple of comments that you made that it's it, it needs to be clear from the applicant, that

1:13:29

there cannot be a commitment to secure grazing. So if you are reading

1:13:35

requirement tend to see as a mechanism to ensure that there will be grazing, that that is not the applicants intention, because the applicant cannot be put in a position where it has no alternative. But to graze for the reasons I outlined at the start of this answer.

1:13:57

I think perhaps what this discussion has prompted and our takeaway point may be is that we look at the terms of the lamp, and we make it clearer in there. What effectively the alternative mechanism is in the event that it is not possible to great

1:14:21

effectively so we achieve the same outcome by other means. Yeah.

1:14:51

That sounds a eminently sensible way to look at that.

1:15:01

Unless Mr. Law, you've got anything you want to say for I think that's as far as we can go with this issue. Certainly this afternoon.

1:15:10

Yes, I'm more than happy with that approach. Thank you. Thank you.

1:15:28

Thank you, Mr. Mayor. I was making a note, so I'll just let him catch up.

1:15:32

It's fine. So I've no, I've almost finished.

1:15:35

I suspect you you right, almost as hard as I do, because your camera was going up and down. Yeah, I've got such a precarious setup, shall we say, sir?

1:15:46

But at least it's not an exam desk in a hole where

1:15:51

the desk would rattle and everybody would hear it.

1:16:00

Right. Yeah, I'd now like to look at agenda item three G, which is consideration of cumulative and in combination effects, which may have some implications for Mr. Timmons. So it says, Well, he's still here.

1:16:20

As I, as I mentioned, yesterday, that could be three low carbon gas power station project, as an entity was accepted into examination. As I understand it, that's a scheme for a new power station with, I think, carbon capture, but he's got a generating capacity of around 900 megawatts. That's the intention.

1:16:48

And really, the question.

1:16:53

And this really flows out of what happened in relation to the examination of the vanguard offshore wind farm, the making of an order by the Secretary of State, the sub subsequent court case, the quashing of that order, and the need to re determine that case.

1:17:16

And that all in arrival revolved around cumulative and in combination effects.

1:17:22

Really, I think the applicant needs to do a review of the kibby three documentation

1:17:33

to in effect, just have a look up whether or not there any, there are any cumulative effects, which may not have been considered up to this point. circumstances have now changed because that application is in

1:17:49

as an accepted application, and will be determined at some later date. And if I understand correctly from what happened with Vanguard was the the the concern that the court raised was that it was known that there was a scheme

1:18:09

the name of which escapes me

1:18:14

as it was Borealis for Yes, yeah.

1:18:18

And due regard hadn't been paid to Borealis in the making of the order. For Vanguard three.

1:18:31

I'm advised that all of the kibi three application documentation is now published on it's on that project web page, so it will be accessible to the applicant.

1:18:46

Possibly looking to Mr. Law.

1:18:50

I don't know have Have you had any discussions in connection with the pre applications phase for that project and whether or not you might be able to assist with the sorts of issues that the applicant might be needing to look at?

1:19:09

For kibby, three in terms of ETS and where there might be possible overlaps. I mean, the things that springs to mind to me will be biodiversity ecology,

1:19:19

possibly construction traffic in particular.

1:19:23

Yes, I've been involved in some of the pre application discussions for for Kp three.

1:19:31

And we'll be able to assist where, where necessary

1:19:36

on trying to recall the discussions or foots off my head, but yes, I mean, it's something that if I'm sure we can liaise between ourselves and if any assistance is required, or,

1:19:48

you know, we can look through our sort of responses and provide what whatever help we can.

1:19:56

Yeah, I suspect it will be one of those things where we need to give you a

1:20:00

Quick, very short response that

1:20:02

the various zones of influence do not interact with each other. And therefore, it's not an issue where it might be one of those where there is the potential, because the zones of influence do overlap, and we need to give it more more more to the general thought before. Before. Oh, yeah. I don't think it's something that you can answer this often. But I wanted to flag it up, because it was something that has so recently changed.

1:20:28

And yeah, I'm fully aware of the position, both you and the Council have arrived at in terms of cumulative effects. And up until yesterday, that would have been fine. But we might just have a new entrant on the scene that does need to be taken account of. I'm not expecting anybody to write reams and reams and reams, but it's it's really

1:20:50

do the check, see whether there is anything in there and then comment on what that might be?

1:20:58

I am aware having had a brief discussion with the team that did part of the review of the environmental statement for KB three, that there are some references to little crow in the KB three documentation, which suggests that the reverse process needs to take place.

1:21:22

shortly. Sure, I mean, I was just putting a marker down that in terms of timetabling and setting deadlines for these things, it may not be something that we could respond to the deadline for within a week we may we need made longer that we can apply even longer. What I would suggest is that deadline for you indicate how long you think you'll require. And then potentially I would need to vary the examination timetable to create a new deadline in which that documentation could then whatever your submission is could could be submitted. shanita. Thank you.

1:22:24

That was the only point that I had on cumulative and in combination effects. So I think Eitan origins right in 3g has has been covered.

1:22:39

As I said earlier, if if, if we think that those are the only areas for Mr. Timms.

1:22:48

Then there is no need for him to remain within the hearing. And this, of course he wishes to or the applicant, of course, wishes him to remain.

1:22:59

Mr. Milan. I don't anticipate Mr. Sanders will be required further, sir. So I'm happy for him to depart from my point of view.

1:23:09

Mr. Simms, are you going to depart? And if so can you confirm that that's what you're going to do? Just so again, Mrs. Hanna knows that we haven't lost you and we need to try and find you.

1:23:21

Thanks very much. You're on leave now. Thank you very much. Thanks for your help. gauges.

1:23:34

Okay, I think we will then revert back to the running order

1:23:41

for the agenda and look at three a. That said, we are now sort of approaching three o'clock. It's it's about seven minutes, too. So we've been sitting for around an hour and a half. I wonder whether this might be an opportune time to take a short adjournment

1:24:03

and then re gather and then certainly crack on with agenda item three.

1:24:13

I think that might be a suitable way rather than stopping maybe in 20 minutes time or something where Mr. Harlow or somebody else from the team is in the middle of a run of questions.

1:24:27

So

1:24:31

if I was to save 15 minutes, that would bring us back at about 10 past three. Would that seem suitable? Is the amount from your team's perspective? That sounds fine for myself. Still all content with that? Yeah, perfectly fine. Thank you, sir. So the hearing is therefore adjourned until 10 plus three in doing that. I think I would ask that everybody who's continuing on in the hearing, if you can just turn your cameras and mics off but don't count

1:25:00

Come out of the call. Otherwise you'll need to be readmitted.

1:25:04

That will mean we have a speedy resumption.

1:25:08

So we're now adjourned until 10 plus three. Thank you very much.